IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4476 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MUSLIM COOP HOUSING STY LTD THROUGH SECRETARY - Petitioner(s)
Versus
ADANI EXPORTS, 56, SHRIMALI SOCIETY & 2 - Respondent(s)

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Appearance :

MR MI HAVA for Petitioner(s) : 1,
MR DC DAVE for Respondent(s) : 1,
NANAVATI & NANAVATI for Respondent(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 09/03/2007

ORAL JUDGMENT

This matter has been coming up before this Court time and again for final hearing and being

adjourned for some reason or the other. On 2nd August, 2006, the matter was dismissed for default. This order however, was later on recalled on an application filed by the petitioners. I notice that earlier also the petition was dismissed for non appearance of the advocate for the petitioners when this Court on 11th March, 2003 was pleased to pass similar order. Apparently, earlier there was an attempt on part of learned advocates to settle the issues. It was conveyed to me however, that settlement talks had broken down. Previously, when the matter was on Board on 2nd March, 2007 also, no one was present for the petitioners. Today even after calling out the matter twice learned advocate for the petitioners is not present. It is however, conveyed by learned advocate Shri D.C.Dave for the opponents that it is conveyed to him by the learned advocate for the petitioners that fresh attempt of settlement is being made. I have nothing concrete to go by in this regard. There is no possibility of adjourning the matter only on such requests.

Under the circumstances, petition is dismissed for want of prosecution. Rule is discharged.

(Akil Kureshi,J.)

(raghu)